In the High Court of Punjab and Haryana, Chandigarh

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C.W.P. No.2437 of 2007

.....

Date of decision:15.2.2007

Karamjit Singh

.....Petitioner

v.

The Director, Sant Longowal Institute of Engineering and Technology and another

.....Respondents

....

Coram: Hon'ble Mr. Justice S.S. Nijjar
Hon'ble Mr. Justice S.S. Saron

Present: Mr. G.S. Toor, Advocate for the petitioner.

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S.S. Nijjar, J. (Oral):

The Sant Longowal Institute of Engineering and Technology (respondent No.1) issued advertisement dated 25.8.2006 (Annexure-P.1) inviting applications for recruitment for various posts including that of Lab. Attendant. In the advertisement it was indicated as; "Special Recruitment Drive for Scheduled Castes and Scheduled Tribes". The petitioner, who is 10+2 and is a diploma holder from I.T.I. Barnala in the trade of Electrician, applied for the post of Lab. Attendant. The selection committe for recruitment to the post of Lab. Attendant in terms of its recommendations (Annexure-P.2) recommended the name of respondent No.2 in order of merit followed by Baljinder Singh in the waiting list. The petitioner, therefore, by way of the present petition under Article 226 of the Constitution of India seeks quashing of the recommendations (Annexure-P.2) made by respondent No.1 vide which respondent No.2 has been

recommended for appointment.

Learned counsel for the petitioner submits that the recommendations made by the selection committee in favour of respondent No.2 for appointment as Lab. Attendant are liable to be invalidated as she has been shown undue favour because her husband is already working in respondent No.1-Institute. By making a reference to the comparative assessment of the petitioner and respondent No.2 by way of a chart (Annexure-P.5), it is contended that the petitioner was more deserving besides being technically more equipped being a diploma holder for appointment as Lab. Attendant in comparison to respondent No.2. Therefore, the recommendations made in favour of respondent No.2, it is submitted, are arbitrary and against the principles of natural justice.

We have given our thoughtful consideration to the matter. In exercise of the supervisory writ jurisdiction of this Court under Articles 226/227 of the Constitution of India, this Court is not to embark upon an inquiry as to the inter se merit of the candidates who appeared in the interview. The question as to which of the candidates got higher marks in the selection process as compared to the selected respondent No.2 is in the realm of assessment of relative merit of candidates which has been considered by the expert committee before whom they had appeared in the selection process. The apprehension of the petitioner that the selected candidates has been given more marks in the oral interview is based only on suspicion as her husband is stated to be employed as a Helper in the Chemistry Department of the respondent-Institute. On the basis of mere apprehension of suspicion it cannot be said that the process of assessment

was, in any manner, affected or vitiated. In any case, we have perused the chart (Annexure-P.5) produced by the petitioner. The same shows that the academic record of the petitioner is better than respondent No.2 only at the stage of I.T.I. In the matriculation and 10+2 examinations respondent No.2 has a higher merit than the petitioner. Besides, her performance at the interview is much above the petitioner. Respondent No.2 has got total 63.6 marks whereas the petitioner has got only 58.5 marks. In fact, candidate at serial No.3, namely, Jasvir Kaur has scored more marks than the petitioner as she has got 59.4 marks. Even this candidate, namely, Jasvir Kaur does not have any credit for I.T.I. She has been placed above the petitioner because she has scored higher marks than the petitioner in the interview. Therefore, the case set-up by the petitioner claiming himself to be more deserving than respondent No.2 is devoid of any merit. The petitioner, in fact, had participated in the selection process and having been unsuccessful in the facts and circumstances has no valid ground to challenge the recommendations for selection of respondent No.2.

From the above, it cannot be said that the decision taken by respondent No.1-Institute is arbitrary.

Dismissed.

(S.S. Nijjar)
Judge

February 15, 2007.

(S.S. Saron)
Judge

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